

# Utah's Water Banking Alternatives – Temp. Change and Exchange Processes

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# Introduction

- Utah does not have a formal Water Bank/Market.
- In lieu of a water bank, Utah statute allows for:
  - Temporary changes of established water rights.
  - Exchanges of surface water storage rights.
  - Aquifer Storage and Recovery (ASR).

## Purpose:

- Discuss Temporary Changes and Exchanges.

# Definitions and Statutes

- Temporary Change: process by which a water right is altered with respect to point of diversion, period, place or nature of use for a fixed period not exceeding one year.
  - Utah Statute 73-3-3.
- Exchange: 1) release of water into a stream, reservoir or other body of water in exchange for a like quantity withdrawn at another point.
  - Utah Statute 73-3-20.

# Pros and Cons of Temp. Changes

## Pros

- No need for a new institution or governing agency/bank.
- No additional man power needed.
- Administrative review time can be minimal because change is limited to one year.
- Can create reliability in water supply during dry years by allowing a particular use to be retired and a more critical use to utilize the water.

# Pros and Cons of Temp. Changes

## Cons

- Buyer must find a willing seller.
- There is some administrative review time. Temp. changes are not pre approved by our office.
- Does not necessarily promote conservation.
- Does not ensure a water supply to meet long term future needs.
- May require professional consulting on a case by case basis.

# Exchanges – How they work

- Winter Water and Excess Direct flow water are stored in Bureau of Rec. funded reservoirs.
- Person or Entity contracts with the water conservancy district for a specified volume of stored water.
- Exchange application submitted to State Engineer's office for approval.
- Person or Entity develops POD (usually a well, but could be directly from the reservoir or river).
- Entity diverts contracted amount of water – conservancy district releases from reservoir an equivalent amount of water after direct flows have diminished.

# Pros and Cons of Exchanges

## Pros

- Relatively simple for a person or entity to enter into contract with conservancy district (seller).
- Extends time frame for rights that are limited to natural direct flows of a basin.
- Administrative review time can be minimal because exchange is based on a physical amount of stored water (we know its there).
- Can provide assurance for a critical use in times of drought.

# Pros and Cons of Exchanges

## Cons

- Not automatic; There is some administrative review time. Exchange apps are not pre approved by our office.
- Requires massive capital expenditures to build reservoirs.
- Requires an administrative agency to oversee contracts and delivery. (conservancy district).
- Does not necessarily promote conservation.
- May require professional consulting on a case by case basis.



# Where to Get More Information

- Division website  
[www.waterrights.utah.gov/](http://www.waterrights.utah.gov/)
- Past decisions or orders of the Utah State Engineer.

# Questions?????

Thank you